Public Notice

US Army Corps of Engineers

Sacramento District
1325 J Street
Sacramento, CA 95814-2922

Number: 200000025
Date: February 24, 2006
Comments Due: March 26, 2006

SUBJECT: The U.S. Army Corps of Engineers, Sacramento District, (Corps) is evaluating a permit application to construct the Freeport Regional Regional Water Project, which would result in permanent and temporary impacts to waters of the United States, including wetlands (waters). This project would permanently fill 2.1 acres of the Sacramento River for construction of an intake structure and permanently impact approximately 7.8 acres and temporarily impact 1.6 acres of waters to construct 34 miles of water pipeline. Additional permanent impacts to waters resulting from the construction of an 80-acre water treatment facility would also occur. The ultimate acreage of impacts resulting from this facility would be determined based on the results of ongoing field surveys, which are expected to produce data on hydrology that will be used to refine and reduce the current impact estimates. At the time of this public notice, the treatment facility is estimated to impact approximately 20.5 acres.

This notice is to inform interested parties and the public of the proposed activity and to solicit comments. This notice may also be viewed at the Corps web site at http://www.spk.usace.army.mil/regulatory.html.

AUTHORITY: This application is being evaluated under Section 10 of the Rivers and Harbors Act of 1899 for structures or work in or affecting navigable waters of the United States and Section 404 of the Clean Water Act for the discharge of dredged or fill material in waters of the United States.

APPLICANT: Freeport Regional Water Authority
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Environmental Specialist
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916-643-1717

LOCATION: The project area consists of several project facility sites and two linear construction corridors in Sacramento and San Joaquin Counties (Figures 1a, 1b and 2). The project is comprised of: a 10-acre water intake facility site located on the Sacramento River in T7N, R4E, sec 11 (Figure 3); an 80-acre water treatment plant located in T8N, R6E, sec 33 (Figure 4); a terminal facility site located on the Folsom South Canal (FSC) in T7N, R7E, sec 6 (Figure 5); a canal pumping plant located in T5N, R7E, sec 2 (Figure 6); and, an aqueduct pumping plant and pretreatment facility located in T4N, R9E, sec 7 (Figure 7). The first pipeline construction corridor extends 16.7 miles from the intake facility site and extends through Township 7, Ranges 4 through 7 to the terminal facility site at the FSC. The pipeline branches near the Gerber and Vineyard Road intersection and an additional 1.2-mile construction corridor

extends north to the water treatment facility site. The second pipeline construction corridor extends southeast, from a new pumping plant site at the FSC terminus in T5N, R7E, sec 2, 17.3 miles through various sections of Township 5, Range 7 and 8, and Township 4, Range 9, in San Joaquin County to meet the Mokelumne aqueducts in T4N, R9E, sec 29.

PROJECT DESCRIPTION: The applicant's stated purpose is to construct the Freeport Regional Water Project (FRWP), which is a cooperative effort between the Sacramento County Water Agency (SCWA) and the East Bay Municipal Utility District (EBMUD) to increase water service reliability for customers. This would be achieved by providing surface water from the Sacramento River to SCWA and EBMUD. The FRWP would have the capacity to draw up to 185 million gallons per day of water from the Sacramento River. Under normal operations, it could draw up to 85 million gallons per day, which would be treated and distributed only within central Sacramento County. During drought years, an additional 100 million gallons per day of water could be drawn from the river and transported to the Mokelumne aqueducts in eastern San Joaquin County and delivered to the EBMUD service area.

The majority of the project area is within existing rights-of-way. Some sections would be constructed in open undeveloped rural areas and a new permanent right-of-way would be established. The typical unrestricted construction corridor would be approximately 130 feet wide. In areas where physical or environmental constraints exist, the construction corridor would typically be 60 feet wide. In areas containing waters the construction corridor would be reduced to 15 feet wide, if possible.

Water bodies affected by the FRWP include the Sacramento River (a navigable waterway under Section 10 of the Rivers and Harbors Act); Union House Creek; Gerber Creek; Laguna Creek; Folsom South Canal; Skunk Creek; Dry Creek; Goose Creek; Coyote Creek; Bear Creek; tributary creeks; streams; drainages; and wetlands, including freshwater marsh, vernal pool, and riparian areas.

The FRWP involves the following activities:
* Construction of the Freeport Intake Facility on the Sacramento River capable of drawing up to 185 million gallons per day;
* Construction of 34 miles of water transmission pipeline to carry water from the intake facility to the water treatment plant and EBMUD?s existing Mokelumne Aqueducts;
* Construction of the SCWA Zone 40 Surface Water Treatment Plant;
* Construction of a surge tank at the point where the pipeline branches north to the water treatment plant;
* Construction of a terminal weir facility on the FSC; and
* Construction of two water-pumping stations.

Construction of the Freeport Intake Facility would result in approximately 1.86 acres in permanent fill of the Sacramento River from construction of the intake facility (0.96 acres) and riprap erosion protection (0.90). The riprap would extend approximately 200 feet into the river from the top of the levee. Riprap would also extend approximately 50 feet upstream and downstream of the intake facility. The intake facility will divert water containing an appreciable amount of suspended sediment, reflecting the background turbidity in the river. The project will return a portion of this sediment directly back to the Sacramento River before it enters the pumps. The sediment that settles out in the intake structure forebay will be continuously removed by a chain and scraper collection system; thus sediment is only temporarily retained within the intake structure. The return flow depth will be at the same depth range at which the water was originally diverted.

The construction corridor for the pipelines would include areas needed for the pipeline trench, stockpiles, and construction equipment. The pipeline footprint would result in a permanent impact to approximately 7.8 acres of waters and a temporary loss of 1.6 acres of waters, based upon the applicant's plans to restore these areas to pre-project conditions following construction. Different construction methods would be used to limit the impacts to waters. Trenchless construction would occur under major roadways and some aquatic resource crossings. Open cut trenching would occur through creeks, drainages and wetlands where trenchless crossing methods are impractical and the feature cannot be avoided. A typical open-cut construction through a wetland or drainage would involve dewatering the area, if necessary, using cofferdams and installing temporary bypass pipelines to maintain active flow where appropriate. Shielded/shored trenching techniques would be used to minimize impacts on waters.

Ancillary features of the pipeline include manholes, air release valves, and drainage valves. The drainage valves would be used during scheduled maintenance and/or emergency procedures. Additionally, the segments of the pipeline that will only be used intermittently (i.e., east of the water treatment facility to the Mokelumne Aqueducts) need to be drained when not in use. In general, pipelines will be drained to existing local drainages such as creeks. Energy dissipaters would be installed below each valve to control flow rates and minimize erosion. Drainage points (blow-offs) would be strategically located along the pipeline alignment to provide for pipeline draining. The pipeline would be drained with a combination of two methods: gravity flow and small pumps to drain low spots. Once the majority of water has been drained by gravity, the remaining water in the pipeline would be pumped out via smaller drain structures located at low points or other critical flushing points along the system including appropriate drainage crossings such as local storm sewers, drainage channels, and sanitary sewers. Permanent impacts would be approximately 0.022 acres of fill to waters associated with construction of the energy dissipation structures. In addition, construction of the terminal facility and pumping plants would result in approximately 0.2 acres of permanent impacts and 0.1 acres of temporary impacts to waters.

The SCWA Zone 40 Surface Water Treatment Plant (WTP) would result in permanent and temporary fill of jurisdictional wetlands from construction. Direct impacts and permanent loss of aquatic resources would occur primarily from fill for the access road and construction activities within the footprint of the proposed facilities. Impacts to waters from construction of the WTP facilities have been preliminarily estimated to be approximately 20.5 acres of permanent impacts and 0.8 acres of temporary impacts. The actual acreage of wetlands as the site is likely to be substantially less than identified in the preliminary delineation. Further field studies are being performed which are expected to produce data on hydrology that will be used to refine and reduce the current impact estimates. The delineation of wetlands at the WTP site is problematic because the site was previously flood irrigated and cultivated, so it is difficult to evaluate whether it exhibits wetland characteristics under "normal circumstances".

Some of the types of materials that would potentially be discharged within waters of the United States as a result of the proposed project facilities include the following: rock riprap, concrete, steel sheet piles, excavated substrate, gravel, earthen fill, and asphalt.

ADDITIONAL INFORMATION:

Environmental Setting. The project traverses residential, commercial, recreational, agricultural, and open space areas in Sacramento and San Joaquin counties. Construction of the pipeline and facilities would occur on public and private property, including city and county road rights-of-way.

Dewatering would occur in areas where the trench intercepts groundwater or storm runoff flows into the trench. Extensive dewatering from I-5 to Morrison Creek would be done using dewatering wells extended to depths of approximately 50 feet and placed every 50 linear feet along the trench alignment. The well water pumped out within this area would be sent to the Sacramento Regional County Sanitation District interceptor or it would be handled according to a National Pollution Discharge Elimination System (NPDES) permit. Water removed from other locations along the alignment during construction would likely be discharged to an upland sump or basin to infiltrate back into the soil, or spray discharged to an upland field.

Alternatives: The applicant undertook an extensive process to screen alternatives potentially capable of meeting the project objectives. The selection of the preferred alternative was based on its ability to meet the project purpose, engineering and economic feasibility, avoidance and minimization of environmental impacts, and input received during the public review process conducted in accordance with the California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA). Over 200 alternatives were considered initially and a tiered screening of over 85 alternatives was undertaken which reduced the number of practicable alternatives to five. The subsequent Draft EIR/EIS considered six project alternatives, including the no project alternative. The selected alternative minimizes impacts to waters, including wetlands, while also minimizing other impacts associated with traffic, air quality, noise, and environmental justice. Additional information concerning project alternatives is available from the applicant or their agent.

Mitigation: To minimize impacts to waters, the applicant has stated they would implement several mitigation measures, including various best management practices during construction and restoring temporarily affected areas to pre-construction contours. The primary method of avoidance would rely on locating the pipeline within the construction corridor in a manner that avoids aquatic resources. Staging areas used during construction, with exception of the intake facility, would be located at least 100 feet from waterbodies, where feasible. If aquatic resources are located within a potential staging area site that would be disturbed by staging activities, an appropriate buffer zone would be staked and flagged to avoid or minimize direct and indirect impacts. Based on the use of buffers and alternative sites when necessary, it is unlikely that staging areas would result in any discharges to waters of the United States. In addition, special construction methods such as trenchless construction will be used in sensitive areas, such as major stream crossings (e.g., Morrison Creek, Mokelumne River), major intersections, and at railroad and highway crossings, to avoid impacts on these sites. The applicant is proposing to provide an off-site mitigation plan that would create or restore wetlands and other waters at a location(s) not yet determined. Mitigation will be implemented consistent with the conceptual mitigation plan.

OTHER GOVERNMENTAL AUTHORIZATIONS: Water quality certification or a waiver, as required under Section 401 of the Clean Water Act from the Central Valley Regional Water Quality Control Board (CVRWQCB), is required for this project. The applicant has indicated they would apply for this certification. The applicant would also apply for a Section 1602 Streambed Alteration Agreement with the California Department of Fish and Game. The FRWA Board of Directors certified the CEQA document on April 15, 2004. The Record of Decision (NEPA) for the project was signed on January 4, 2005 by the U.S. Department of Interior, Bureau of Reclamation, the Federal lead for the project..

HISTORIC PROPERTIES: A cultural/historic resources inventory and evaluation report prepared by the applicant's agent identified 32 cultural and/or historic resources in the project area, of which two (the Victory Trees and the Walnut Grove Branch Line of the Southern Pacific

Railroad), have been determined eligible for listing in the National Register of Historic Places. The eligibility status of the remaining 30 cultural resources in the project area will be determined through the consultation process under Section 106 of the National Historic Preservation Act (NHPA). The Bureau of Reclamation will initiate consultation with the State Historic Preservation Officer and other consulting parties under Section 106 of theÿNHPA regarding the project's effects on historic properties. The Corps will review the outcome of Section 106 consultation prior to issuance of a Department of the Army permit.

ENDANGERED SPECIES: The U.S. Bureau of Reclamation has completed consultation with the U.S. Fish and Wildlife Service and National Oceanic and Atmospheric Administration, Fisheries, pursuant to Section 7 of the Endangered Species Act. As a result, Biological Opinions were issued by each agency and include terms and conditions to protect species listed under the federal Endangered Species Act, including the Vernal pool fairy shrimp (Branchinecta lynchi), Vernal pool tadpole shrimp (Lepidurus packardi), Sacramento Orcutt grass (Orcuttia viscida), slender Orcutt grass (Orcuttia tenuis), California red-legged frog (Rana aurora draytonii), Alameda whipsnake (Masticophis lateralis euryxanthus), California tiger salamander (Ambystoma californiense), Valley elderberry longhorn beetle (Desmocerus californicus dimorphus) Delta smelt (Hypomesus transpacificus), several salmonid species, and the Giant garter snake (Thamnophis gigas), or their designated critical habitat, as applicable. The biological opinions concluded that the project is not likely to jeopardize the continued existence of the protected species or their habitats.

ESSENTIAL FISH HABITAT: Essential Fish Habitat (EFH) was addressed in the Biological Opinions described above under "Endangered Species". The proposed project would not adversely affect EFH as defined in the Magnuson-Stevens Fishery Conservation and Management Act.

OTHER AQUATIC RESOURCE IMPACTS: The proposed project could potentially impact non-jurisdictional aquatic resources. Construction of the pipeline could permanently impact 0.9 acres and temporarily impact 0.8 acres of these waters; the canal and aqueduct pumping plants could permanently impact 0.1 and 0.1 acres of non-jurisdictional waters respectively. The wetland delineation has been submitted to the Corps and is currently being evaluated, which may change the impacted acreages and/or jurisdiction.

EVALUATION FACTORS: The decision whether to issue a permit would be based on an evaluation of the probable impacts, including cumulative impacts, of the described activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the described activity, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the described activity will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people. The activity's impact on the public interest will include application of the Section 404(b)(1) guidelines promulgated by the Administrator, Environmental Protection Agency (40 CFR Part 230).

The Corps is soliciting comments from the public, Federal, State, and local agencies and officials, Indian tribes, and other interested parties in order to consider and evaluate the impacts

of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and other public interest factors listed above. Comments are used in preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

SUBMITTING COMMENTS: Written comments, referencing Public Notice 200000025, must be submitted to the office listed below on or before MarchOy 25, 2006:

Kathleen Dadey, Project Manager
US Army Corps of Engineers, Sacramento District
Sacramento Office
1325 J Street, Room 1480
Sacramento, California 95814-2922
Email: Kathleen.A.Dadey@usace.army.mil

The Corps is particularly interested in receiving comments related to the proposal's probable impacts on the affected aquatic environment and the secondary and cumulative effects. Anyone may request, in writing, that a public hearing be held to consider this application. Requests shall specifically state, with particularity, the reason(s) for holding a public hearing. If the Corps determines that the information received in response to this notice is inadequate for thorough evaluation, a public hearing may be warranted. If a public hearing is warranted, interested parties will be notified of the time, date, and location. Please note that all comment letters received are subject to release to the public through the Freedom of Information Act. If you have questions or need additional information please contact the applicant or the Corps' project manager Kathleen Dadey, 916 557-7253, Kathleen.A.Dadey@usace.army.mil

Attachments: 7 Figures